

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory Kansas

(1) N/A

(2) N/A

(3) Definitions:

Estate: The total property owned by a decedent, that usually requires legal action to transfer to heirs, legatees, and devisees. Property owned in joint tenancy with rights of survivorship or property subject to pay-on-death/transfer-on death are not usually included in a probate estate.

(4) **Hardship:** A family or interested party may request the Estate Recovery Unit to not proceed with recoupment of a medical assistance claim from the estate of a deceased recipient if the recoupment could result in undue hardship on the family. In determining undue hardship, each case will be examined on its own merits and circumstances. Factors examined in reaching a determination may include the following:

1. Type of assets in decedent's estate;
2. Availability of alternative means for satisfying the claim;
3. Actions of the family in helping decedent; particularly when such actions helped avoid or reduce medical costs which would have otherwise been incurred by the Medicaid program.
4. Impact of a probate action on the financial circumstances of the family;
5. Impact of a probate action on business in which the decedent owned an interest; and
6. Any other relevant factors.

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